

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Safety and Enforcement Division  
Rail Transit Safety Branch

**RESOLUTION**

RESOLUTION ST-165 GRANTING APPROVAL OF THE FINAL REPORT  
ON THE 2014 TRIENNIAL ON-SITE SYSTEM SAFETY REVIEW OF SAN  
FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

**Summary**

This resolution approves the Safety and Enforcement Division of California Public Utilities Commission's (Commission's) final report, titled "2014 Triennial On-Site System Safety Review of San Francisco Bay Area Rapid Transit District," dated February 26, 2015. The report includes the results of the Commission staff (Staff) review of the San Francisco Bay Area Rapid Transit District's (BART's) System Safety Program, and Staff's responses to BART's comments regarding a Draft version of the report.

**Background**

Commission General Order (GO) No. 164-D, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" requires Commission Staff (Staff) to conduct on-site system safety review of the transit agencies operating rail fixed guideway systems every three years.

Staff conducted an on-site system safety review of the San Francisco Bay Area Rapid Transit District's (BART) safety program during two weeks in January and February 2014. A full description of the review, including the scope, results, and recommendations, is contained in the final report identified in this resolution as Attachment A.

The system safety review determined that BART is in substantial compliance with its System Safety Program Plan (SSPP). Staff did, however, find areas of non-compliance during the review. Activities of each checklist can be found in Appendix C of the report.

Staff sent BART a copy of the draft safety review report for a 30-day comment period on August 25, 2014. On September 16, 2014, BART requested an extension to the comment period through October, which was granted by the management of Safety and Enforcement Division's Rail Transit Safety Branch.

During the extended comment period, BART's Safety Department transmitted to Staff its comments in response to specific Comments, Findings, and Recommendations from the draft report through meetings and email with Staff. Staff coordinated internally to allow the original CPUC auditors to address BART's comments directly wherever possible, and ultimately sought management concurrence on proposed actions to address BART's comments.

Due to the extended comment period BART requested, Staff requested a formal written summary of comments from BART, which was submitted on December 29, 2014. Staff proceeded to address all comments by either removing or revising Comments, Findings, and Recommendations, or by leaving the item unchanged.

### **Discussion**

The final report, "2014 Triennial On-Site System Safety Review of San Francisco Bay Area Rapid Transit District," dated February 26, 2015, included as Attachment A, identifies Staff's activities for each of the 37 checklists, covering the 21 items which Title 49 of Code of Federal Regulations, Chapter 659 (49 CFR 659) and the Commission's GO 164-D require for inclusion in each Rail Transit Agency's SSPP.

Because of the passage of time since the audit occurred, most items have already been addressed fully by BART. BART should be ordered to provide a written summary of corrective actions already taken or develop

corrective action plans to address the remaining open items identified in the final report and submit them to Staff for approval.

In addition, in this triennial report Staff is formally making a recommendation to BART (at the end of Section 5 of the report) that it voluntarily adopt those applicable processes and procedures that are in compliance with requirements of GO 143-B, "Safety Rules and Regulations Governing Light-Rail Transit," which the Commission has acknowledged are not currently applicable to BART (since BART is not classified as light rail). As outlined in the report, Staff's review concludes that many of the requirements in GO 143-B should be equally applicable to BART's rail transit system as it is for other California light rail system operators.

Staff recommends the Commission approve the attached final report and direct BART to (1) outline corrective actions already taken, (2) develop corrective action plans to address the findings and recommendations that remain open, and (3) respond in writing to Staff's additional recommendation regarding adherence and compliance with GO 143-B, and specifically the issue regarding medical fitness for duty relative to operator recertification.

### **Notice**

On December 29, 2015, this Resolution was published on the Commission's Daily Calendar.

### **Comments**

The draft resolution of the Safety Enforcement Division in this matter was mailed to the Parties of Interest, in accordance with Section 311 of the Public Utilities Code and Rule 14.2(c) of the Commission's Rules of Practice and Procedure. One set of comments were received from BART.

BART objects to being required to respond to the recommendation that it voluntarily implement requirements for complying with many of the aspects of GO 143-B, and makes other comments regarding the findings and recommendations, nearly all of which were made and considered during BART's review of the draft audit report. Staff made several

additional edits to the final triennial audit report in response to the BART comments to clarify items or to correct items.

**Therefore, IT IS ORDERED that:**

1. The Safety and Enforcement Division's request for approval of the final safety review report, titled "2014 Triennial On-Site System Safety Review of San Francisco Bay Area Rapid Transit District," dated February 26, 2015, is granted.
2. San Francisco Bay Area Rapid Transit District shall submit information and data regarding corrective actions already taken, as well as plans and schedules for implementing all recommended corrective actions for items that remain open, to the Rail Transit Safety Branch no later than 45 days from the effective date of this resolution.
3. San Francisco Bay Area Rapid Transit District shall respond in writing within 45 days to Staff's recommendation that it begin to develop processes and procedures compliant with General Order 143-B.
4. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting held on \_\_\_\_\_. The following Commissioners voting favorably thereon:

---

TIMOTHY J. SULLIVAN  
Executive Director

## **ATTACHMENT A**